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10/587,298

07/26/2006

Wolfgang Heger

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WASHINGTON,, DC 20036

EXAMINER

HUG, ERIC J

ART UNIT

PAPER NUMBER

1791

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/587,298 | <b>Applicant(s)</b><br>HEGER ET AL. |  |
|                              | <b>Examiner</b><br>Eric Hug          | <b>Art Unit</b><br>1791             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/26/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

On page 6 of the specification, FIG. 4a is described as showing how the making direction wires run along the cutting line D-D. This view is actually showing how the cross direction wires run.

On page 8, first paragraph, third line, reference character 371 should read "471".

Appropriate correction is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims or the features must be canceled from the claims.

No new matter should be entered.

The drawings fail to show that the wire bridges of the upper cross direction wires run within a pattern repeat at least over nine making direction wires and at most under one making direction wires. Rather, Figures 1b, 2b, 3b, and 4b, each illustrating a top view of a paper side of a wire cloth, show the wire bridges running over only eight making direction wires and under two making direction wires.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

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even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that the wire cloth consists of an upper fabric layer and a lower fabric layer, both comprising cross direction wires and making direction wires. Claim 1 then recites "upper cross direction wires", "lower cross direction wires", and "making wires". The claim is indefinite because Applicant does not make a clear distinction between the upper making wires and the lower making wires.

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Also, by reciting only "making wires", the wire cloth as claimed may consist of upper and lower cross direction wires interwoven with a single set of making wires (e.g., see Quigley below). This clearly is not Applicant's invention. Thus, the claim does not clearly set forth the metes and bounds of the patent protection desired.

Claim 1 also recites as the last feature "between two making direction wires which run over a cross direction wire, at least one other making direction wire runs under the same cross direction wire". The claim is indefinite because it does not point out whether this feature is for the upper layer or the lower layer.

Claims 2-7 are accordingly rejected as being dependent on claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Quigley (US 6,227,256).

Quigley discloses a multi-layer papermachine fabric comprising sets of upper and lower cross machine direction (CMD) yarns interwoven with machine direction (MD) yarns. There are at least twice the number of upper CMD yarns as lower CMD yarns per repeat weave pattern. Figures 1 and 5 each show a top view of the repeat pattern of an upper layer (paper support layer) for two different embodiments. In each embodiment, several upper CMD yarns run over

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at least nine MD yarns and run under only one MD yarn. For example, in Figure 1, upper CMD yarn 48 weaves over 15 MD yarns and under the single MD yarn 8. Figures 2 and 6 each show a bottom view of the repeat pattern for a lower layer (machine contact layer) corresponding to the upper layers of Figures 1 and 5, respectively. Here, each lower CMD yarns run under at least six MD yarns and over at least two MD yarns. For example, in Figure 1, lower CMD yarn 47 runs under 14 of the MD yarns (01-04, 06, and 08-16) and runs over two MD yarns (05 and 07). Between MD yarns 05 and 07, lower CMD yarn 47 runs under MD yarn 06, In other words, MD yarns 05 and 07 run over CMD yarn 47 and MD yarn 06 which is between MD yarns 05 and 07 runs under CMD yarn 47.

Thus, regarding claim 1, Quigley discloses: a) upper cross direction wires (CMD yarns) run over greater than nine making wires (MD yarns) and under only one making wire; b) lower cross direction wires run at under greater than six making wires and over exactly two making wires; and, c) between each two making wires which runs over a cross direction wire, exactly one making wire runs under the same cross direction wire. Regarding claim 3, the making wires bind the upper and lower cross direction wires, thus bind the layers together. Regarding claim 4, the making wires alternate between upper and lower layers. Regarding claim 7, the ratio of top to bottom cross direction wires is 2:1 (see Figure 3-1).

***Allowable Subject Matter***

Claims 2, 5, and 6 would be allowable if claim 1 is rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth above. The claimed features pertain to a fabric having upper and lower layers of making wires rather than a single set of making wires as taught by Quigley above.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references disclose papermaking fabrics with long cross direction floats.

Hahn (US 4,359,069)

Wright (US 5,564,475)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is (571) 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric Hug/  
Primary Examiner, Art Unit 1791